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SENSITIVE
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SUBJECT: G/TIP AMBASSADOR CDEBACA'S VISIT TO CAMBODIA

REF: PHNOM PENH 628

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) SUMMARY: During a Septmeber 1-4 visit to Cambodia, G/TIP Ambassador Luis CdeBaca discussed recent efforts to combat human trafficking. Deputy Prime Minister (DPM) Sar Kheng reaffirmed Cambodia's commitment to fighting human trafficking, while acknowledging that the battle is an uneven process at times. Ambassador CdeBaca's visit came on the heels of RGC agreement to return three American pedophiles to the United States for prosecution for child sex tourism. The Ambassador praised this example of inter-governmental cooperation throughout his visit and suggested that it could be even more successful if the RGC also investigated and prosecuted as traffickers any middle-men who provided victims to the pedophiles. END SUMMARY.

DPM Reaffirms Commitment to Combating TIP

¶2. (SBU) Ambassador CdeBaca, accompanied by Ambassador Rodley, met with Deputy Prime Minister (DPM) and Minister of Interior Sar Kheng to discuss the latest advancements in RGC anti-trafficking policy. The DPM characterized efforts to combat TIP as an "up-and-down" process, citing bottlenecks in the judicial system as an example of difficulties the RGC is encountering. The DPM pointed out inconsistencies that have plagued the criminal justice process, such as charges being downgraded or cases being dismissed by investigating judges without seeking additional evidence from police. He stated that the Ministry of Interior (MOI) and Ministry of Justice (MOJ) have now formed a working group to address these issues, and will meet regularly to explore solutions to these problems.

¶3. (SBU) The DPM highlighted the anticipated Sub-Decree to establish formally the RGC's structure for combating TIP - a national, inter-ministerial body that will include six working groups to address the various elements of anti-TIP efforts. The DPM indicated the Sub-Decree would be signed by the Prime Minister, and would set out a very clear mandate against TIP. Once the Sub-Decree is finalized, the DPM predicted work combating TIP will increase further. He stated that there is "no question" about the RGC's commitment to combating human trafficking, and expressed confidence that government's response to the the problem will improve over time.

¶4. (SBU) In response to a question, the DPM told Ambassdor CdeBaca that the draft Penal Code will be on the National Assembly agenda for debate during its next session, which begins in October. (NOTE: The National Assembly received the draft Penal Code during its last session and it has been under review by the Committee on Legislation. END NOTE.) The DPM said he did not expect any inconsistencies between the Penal Code and the anti-TIP law, but that if such

inconsistencies arose, the Penal Code would be the governing document.

¶5. (SBU) Ambassador CdeBaca and Ambassador Rodley each thanked the DPM for the RGC assistance with removing three American citizens wanted on federal warrants in the United States for engaging in child sex tourism in Cambodia. Ambassador CdeBaca stressed that it would be even more successful if the RGC investigated and prosecuted any brothel owners or other traffickers who supplied victims to the pedophiles, and offered both G/TIP and Embassy support to the RGC in doing so.

Ministry of Social Affairs Approves Protection Policy

¶6. (SBU) On the eve of Ambassador CdeBaca's visit, the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MOSAVY) approved a new "Policy Protecting the Rights of Victims of Human Trafficking" together with new "National Minimum Standards on Victim Assistance." Minister of Social Affairs Ith Sam Heng presented Khmer-language versions of the documents to Ambassador CdeBaca, and stated that these are the first policy documents of their kind in Southeast Asia. The Minister expressed his hope that they will set a protection standard that might become a 'best practice' in the region. (NOTE: Post expects English-language versions to be available shortly, and will forward to the Department. END NOTE.)

¶7. (SBU) Minister Ith Sam Heng obliquely acknowledged the
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most controversial element of MOSAVY's anti-trafficking work: its administration of two rehabilitation centers outside Phnom Penh where severe human rights abuses were reported after women seized in brothel raids were sent to the centers (see 2009 TIP narrative for Cambodia). The Minister stated he had opened an investigation into conditions after he heard of NGO concerns and viewed photos from the centers, but denied that MOSAVY guards or employees mistreated residents. He affirmed that conditions at the centers needed improvement, however, and that the RGC planned to expand and upgrade the facilities at one of the centers for that purpose.

¶8. (SBU) Regarding labor trafficking, the Minister highlighted a number of programs where the RGC supports NGO efforts to reintegrate returned labor trafficking victims. An example is the Poipet Transit Center, which seeks to identify victims and their home communities and help victims return home or find rehabilitative care with shelters if needed. He said the RGC policy protecting the rights of victims applies equally to male and female trafficking victims, and to victims of both labor and commercial sex trafficking. He cited as an example RGC cooperation with an International Organization for Migration program that has helped rehabilitate and reintegrate several male labor trafficking victims who were rescued and repatriated from Malaysia after escaping abusive conditions aboard Thai fishing boats.

¶9. (SBU) Ambassador CdeBaca spotlighted the USG policy of bringing suspected child sex tourists back the U.S. to stand trial and asked the Minister what the RGC does to prosecute Cambodian nationals who assist foreigners in this endeavor. The Minister responded that RGC policy is to prosecute anyone who commits those types of offenses, and to support victims in their recovery.

MOJ Close to Issuing Explanatory Notes

¶10. (SBU) In a meeting with MOJ Secretary of State Chan Sotheavy, Ambassador CdeBaca emphasized the importance of

increasing prosecutions of TIP cases. Chan Sotheavy stated that the MOJ is engaged in a number of training programs to build capacity and improve prosecutions, including programs with the Asia Regional Trafficking in Persons Project (ARTIP, funded by Australia), and the Royal Academy for Judges and Prosecutors. She also told Ambassador CdeBaca that the MOJ is close to finalizing and issuing its Explanatory Notes on the 2008 anti-TIP law, a much awaited set of examples and explanations intended to assist prosecutors and judges in applying the correct charges to cases under the new law. Chan Sotheavy said she expected to finalize the document in one month, and hoped to issue it sometime in October. She explained that the MOJ would concurrently conduct a series of training workshops for prosecutors and judges across the country, beginning later this year and extending into 2010.

¶11. (SBU) Ambassador CdeBaca also raised the recent lawsuits filed against shelters by victims' parents, for the refusal to return children to parents suspected of complicity in trafficking those children (see reftel). Chan Sotheavy responded that she is aware of the lawsuits, and that the MOJ is working on providing legal authority to the RGC to refer minors to shelters without parental consent in cases where parents are thought to be complicit in trafficking their children. She expected that a new Penal Code would assist with this issue.

¶12. (SBU) Referring again to the recent removal of three Americans on charges of child sex tourism, Ambassador CdeBaca reiterated that efforts to combat CST and TIP would be improved if the RGC pursued charges against any middle-men who supplied victims to the pedophiles, and that having a Cambodian case to mirror the American cases would showcase excellent collaboration.

COMMENT

¶13. (SBU) As evidenced by Ambassador CdeBaca's reference to Cambodian prosecutions on trafficking charges in CST cases, the Cambodian response to TIP is still evolving from focusing only on foreign pedophiles to focusing on the chain of people involved in the crime, including Cambodian traffickers. But the recent arrest of a Cambodian-Chinese broker suspected of trafficking girls to China, as well as the recent conviction of a mother who sold her 14-year-old daughter to a foreign pedophile, indicates that the capacity for understanding this

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intricate crime is growing, and the law enforcement response to TIP is becoming more sophisticated with time (septels). Post will continue to emphasize the need for the RGC to investigate and prosecute traffickers, and not just child sex perpetrators, in order to combat the problem of human trafficking more effectively and to increase still further our collaborative efforts.
RODLEY